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4 *Attorney for Defendant, Harold E. Call*

5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9
10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 HAROLD E. CALL,
14 Defendant.

Case No.: 2:09-CR-00079-KJD-RJJ

STIPULATION TO VACATE
TRIAL DATE

(Third Request)

15
16 IT IS HEREBY STIPULATED by and between DANIEL G. BOGDEN, United States
17 Attorney, and J. GREGORY DAMM, Assistant United States Attorney, counsel for the UNITED
18 STATES OF AMERICA, and Defendant, **HAROLD E. CALL**, by and through his counsel,
19 TERRENCE M. JACKSON, ESQ., that the **Calendar Call date currently set for October 27,**
20 **2009, at the hour of 9:00 a.m.,** and the **Trial date currently set for November 1, 2009, at the**
21 **hour of 9:00 a.m.,** in Courtroom 6D, be vacated and set to a date and time to be set by the court, but
22 not earlier than (90) ninety days.

23 This Stipulation is entered into based on the following:

- 24 1. Defense counsel, Terrence M. Jackson, Esquire, has received supplemental discovery,
25 including 7 CD's. There exists hundreds of hours of audio tapes as well. I am requesting additional
26 time for pretrial preparation, investigation, and filing of pretrial motions and such time is essential
27 to be adequately prepared for trial and may be helpful in re-instituting negotiations.
28 2. Counsel for the Defendant has spoken to the Defendant, and the Defendant has no

objection to the requested continuance.

3. Counsel has spoken to the Assistant United States Attorney, October 6, 2009 and he has no objection to this continuance.

4. Additionally, denial of this request for continuance would result in a miscarriage of justice.

5. For all the above stated reasons, the ends of justice would be best served by a continuance of the trial date.

6. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(F) and Title 18, United States Code §3161(h)(8)(A), considering the factors under Title 18, United States Code §§ 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

7. This is the Third Request for a continuance in this case.

RESPECTFULLY SUBMITTED, this 9th day of October 2009.

By: /s/ Terrence M. Jackson

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Attorney for Defendant, CALL

By: /s/ Gregory Damm

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Attorney for Plaintiff, United States of America

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6 **UNITED STATES DISTRICT COURT**
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9 UNITED STATES OF AMERICA,

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FINDINGS OF FACT,
CONCLUSION OF LAW
AND ORDER

15
16 **FINDING OF FACT**

17 Based upon the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds that:

19 1. Defense counsel, Terrence M. Jackson, Esquire, has received 7 CD's of supplemental
20 discovery made available October 1, 2009. I am requesting additional time for pretrial preparation,
21 investigation, and possibly filing of pretrial motions and such time is essential to be adequately
22 prepared for trial and may be helpful in re-instituting negotiations.

23 2. Counsel for the Defendant has spoken to the defendant who is currently out of
24 custody, and has no objection to the requested continuance.

25 3. Counsel has spoken to the Assistant United States Attorney and he has no objection
26 to this continuance.

27 4. The additional time requested by this Stipulation is excludable in computing time
28 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18 United

1 States Code, § 3161(h)(1)(F) and Title 18 United States Code § 3161(h)(8)(A), considering the
2 factors under Title 18 United States Code §§ 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

3 6. This is the Third Request for a continuance.

4 For all of the above reasons, the ends of justice would best be served by a continuance of the
5 calendar call and trial date.

6 **CONCLUSIONS OF LAW**

7 1. Denial of this request would result in a miscarriage of justice.

8 2. For all of the above stated reasons, the ends of justice would be best served by a
9 continuance of the current trial date.

10 3. The additional time requested by this Stipulation is excludable in computing
11 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
12 States Code, § 3161(h)(1)(F) and Title 18, United States Code, § 3161(h)(8)(A), considering the
13 factors under Title 18, United States Code, §§ 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

14 **ORDER**

15 **IT IS HEREBY ORDERED** that the October 27, 2009 calendar call and the November 1,
16 2009 trial date be vacated.

17 **IT IS FURTHER ORDERED** that calendar call in this matter be scheduled for the ____
18 day of _____, 2009, at the hour of _____ and that the trial date in this matter be
19 scheduled for the ____ day of _____, 2009, at the hour of _____ a.m./p.m.

20 **IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions, proposed
21 jury instructions, and list of the Government's prospective witnesses shall be submitted to the Court
22 by _____, 2009, at the hour of _____.

23 **DATED** this ____ day of October 2009.

24
25 UNITED STATES DISTRICT JUDGE
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